

AMENDMENT TO RULES COMM. PRINT 116–57

OFFERED BY MR. ENGEL OF NEW YORK

At the end of title XII, add the following:

1 **Subtitle H—Matters Relating to the**
2 **New START Treaty**

3 **SEC. 1281. SENSE OF CONGRESS.**

4 It is the sense of Congress that—

5 (1) the United States should extend the New
6 START Treaty from its initial expiration date of
7 February 5, 2021, to February 5, 2026, as provided
8 for under Article XIV of the Treaty, unless the
9 President determines and informs the appropriate
10 congressional committees that—

11 (A) Russia is in material breach of the
12 Treaty and that efforts to resolve any such
13 breach have been undertaken and not resolved;
14 or

15 (B) the United States and Russia have en-
16 tered into a new arms control agreement to re-
17 place the Treaty that provides equal or greater
18 constraints, transparency, and verification
19 measures with regard to Russia’s nuclear
20 forces;

1 (2) maintaining legally binding, verifiable limits
2 on Russian strategic nuclear forces is in the national
3 security interest of the United States; and

4 (3) if the President does not extend the New
5 START Treaty by February 5, 2021, the United
6 States should provide continued application of ar-
7 rangements under the Protocol to the Treaty, the
8 Annex on Inspection Activities to such Protocol, and
9 the Annex on Notifications to such Protocol.

10 **SEC. 1282. AUTHORITY TO ACCORD PRIVILEGES AND IMMUN-**
11 **ITIES.**

12 (a) IN GENERAL.—For purposes of facilitating con-
13 tinued application of arrangements under the Protocol to
14 the New START Treaty, the Annex on Inspection Activi-
15 ties to such Protocol, and the Annex on Notifications to
16 such Protocol, the President is authorized to accord to eli-
17 gible officials of Russia the privileges and immunities pro-
18 vided for in Part Five of the Protocol to the Treaty, sub-
19 ject to provisions of this subtitle.

20 (b) CONDITIONS OF PRIVILEGES AND IMMUNITIES.—

21 (1) ELIGIBILITY.—An official of Russia shall be
22 eligible to be accorded privileges and immunities
23 pursuant to subsection (a) only if the official has
24 been invited by the United States Government after
25 February 5, 2021, to perform within the territory of

1 the United States inspection activities consistent
2 with the procedures established in the Treaty.

3 (2) LIMITATION ON SCOPE.—Any privileges and
4 immunities accorded to an official of Russia pursu-
5 ant to subsection (a) shall only be in furtherance of
6 the conduct of inspection activities consistent with
7 the procedures established in the Treaty.

8 (3) DURATION.—Consistent with Section II of
9 Part Five of the Protocol to the Treaty, any privi-
10 leges and immunities accorded pursuant to sub-
11 section (a) may be accorded for the entire time the
12 official of Russia is within the territory of the
13 United States, and thereafter with respect to acts
14 previously performed in the exercise of the official
15 functions of such official.

16 (4) OBLIGATIONS.—Consistent with Section II
17 of Part Five of the Protocol to the Treaty, an offi-
18 cial of Russia accorded privileges and immunities
19 under subsection (a) shall, for the duration of such
20 official's stay in the United States and without prej-
21 udice to such privileges and immunities, be obli-
22 gated—

23 (A) to respect the laws and regulations of
24 the United States;

1 (B) not to interfere in the internal affairs
2 of the United States; and

3 (C) not to engage in any professional or
4 commercial activity for personal profit.

5 (c) INAPPLICABILITY OF AUTHORITY.—The authority
6 provided under this section shall not apply if the President
7 determines and certifies to the appropriate congressional
8 committees that an authority, provision, or program that
9 is equivalent to the authority provided under this section
10 has not been authorized by the Government of Russia.

11 (d) TERMINATION OF AUTHORITY.—The authority
12 provided under this section shall terminate on February
13 2, 2026, or on the date of entry into force of an agreement
14 between the United States and Russia that supersedes the
15 New START Treaty, whichever occurs earlier.

16 **SEC. 1283. CONTINUATION OF TRANSPARENCY PROCE-**
17 **DURES.**

18 (a) IN GENERAL.—The President shall share,
19 through confidential diplomatic channels, information re-
20 garding United States nuclear forces as appropriate to
21 continue implementing the transparency procedures de-
22 scribed in Article VII of the New START Treaty and in-
23 form the Treaty database created in accordance with
24 Parts Two and Four of the Protocol to the Treaty.

1 (b) EXCEPTION.—The President may not take the ac-
2 tion described in subsection (a) if the Government of Rus-
3 sia does not take reciprocal action.

4 **SEC. 1284. PRESIDENTIAL CERTIFICATION IN ADVANCE OF**
5 **EXPIRATION OF NEW START TREATY.**

6 (a) IN GENERAL.—If the New START Treaty has
7 not been extended by September 5, 2020, or if the United
8 States and Russia have not entered into a new arms con-
9 trol agreement that provides equal or greater constraints,
10 transparency, and verification measures with regard to
11 Russia’s nuclear forces, the President shall, not later than
12 120 days before expiration of the Treaty, submit to the
13 appropriate congressional committees a report that con-
14 tains the certification and other matters described in sub-
15 section (b).

16 (b) MATTERS TO BE INCLUDED.—The report re-
17 quired by subsection (a) shall include the following:

18 (1) A certification that extending the New
19 START Treaty is not in the national security inter-
20 est of the United States.

21 (2) A justification for why the Treaty should be
22 allowed to expire, including the specific reasons for
23 such expiration.

1 (3) An assessment as to whether continuing
2 limits on Russia's strategic nuclear forces through
3 the Treaty advance United States national security.

4 (4) An explanation of how the United States
5 will address the expiration of the Treaty, includ-
6 ing—

7 (A) a plan to extend the Treaty before it
8 expires;

9 (B) a plan to otherwise retain the Treaty's
10 limits on Russia's nuclear forces; or

11 (C) a plan, including steps the United
12 States military and intelligence community will
13 take before February 2021, to ensure that
14 United States nuclear deterrence requirements
15 will not increase with respect to Russia as a re-
16 sult of the Treaty's expiration and the United
17 States will maintain a similar or higher level of
18 confidence in information regarding Russia's
19 nuclear forces following the Treaty's expiration.

20 (5) A description of consultations undertaken
21 with European and Asian allies in advance of the
22 Treaty's expiration, including the dates and results
23 of such consultations, including recommendations
24 and reactions of allies.

1 (6) An assessment of how Russia will modify its
2 nuclear forces in an unconstrained environment and
3 how the United States will respond if Russia ex-
4 pands its nuclear arsenal.

5 (7) An assessment of whether it is possible to
6 maintain Treaty-level limits on Russia's nuclear
7 forces in the absence of extension or a new arms
8 control agreement and, if so, the costs, require-
9 ments, and military plans necessary to do so.

10 **SEC. 1285. REPORT ON UNITED STATES NUCLEAR FORCE**
11 **STRUCTURE.**

12 (a) IN GENERAL.—Not later than June 5, 2021, in
13 the case of the expiration of the New START Treaty or
14 its termination under Article XIV of the Treaty, the Sec-
15 retary of Defense and the Administrator of the National
16 Nuclear Security Administration, in coordination with the
17 Secretary of the Navy, the Secretary of the Air Force, and
18 the Commander of the United States Strategic Command,
19 shall submit to the Committee on Armed Services of the
20 House of Representatives and the Committee on Armed
21 Services of the Senate a report on changes to the predicted
22 nuclear force structure of the United States in the absence
23 of limits on strategic nuclear forces under the Treaty.

24 (b) MATTERS TO BE INCLUDED.—The report re-
25 quired by subsection (a) shall include the following:

1 (1) The information required to be submitted in
2 the report required by section 492a of title 10,
3 United States Code.

4 (2) A description of the size, cost, composition,
5 and posture of the alternative nuclear force struc-
6 tures, as compared to any such relevant information
7 required to be submitted in the report described in
8 paragraph (1), of the United States through Feb-
9 ruary 2026 necessary for meeting the military objec-
10 tives of nuclear deterrence, extended deterrence, as-
11 surance of allies, and defense for each of the fol-
12 lowing potential scenarios:

13 (A) Russia is increasing its strategic nu-
14 clear forces above New START Treaty limits in
15 a militarily significant way.

16 (B) Russia is increasing its strategic nu-
17 clear forces above Treaty limits but not in a
18 militarily significant way.

19 (C) Russia is keeping its strategic nuclear
20 forces below Treaty limits.

21 (3) With respect to the description for each po-
22 tential scenario described in paragraph (2), the fol-
23 lowing:

24 (A) A description of deployed and non-de-
25 ployed intercontinental ballistic missiles, sub-

1 marine-launched ballistic missiles, and heavy
2 bombers as defined in the Treaty.

3 (B) The types and number of warheads for
4 each deployed delivery vehicle described in sub-
5 paragraph (A).

6 (C) The number of non-deployed and re-
7 tired warheads.

8 (D) A description of changes necessary to
9 increase United States nuclear forces above the
10 central limits of the Treaty, including—

11 (i) the manner in which each military
12 department plans to implement such
13 changes, including an implementation
14 schedule and associated key decision
15 points; and

16 (ii) a description of the associated
17 costs, the technical and operational impli-
18 cations, and impact of such changes on nu-
19 clear modernization program costs and
20 timelines.

21 **SEC. 1286. PROHIBITIONS ON INCREASE IN CERTAIN WAR-**
22 **HEADS AND DEPLOYED DELIVERY VEHICLES.**

23 (a) WARHEAD.—In the case of the expiration of the
24 New START Treaty or its termination under Article XIV
25 of the Treaty, none of the funds authorized to be appro-

1 priated by this Act or otherwise made available for fiscal
2 year 2021 for the Department of Defense may be obli-
3 gated or expended to increase above 1,550 the number of
4 deployed warheads on intercontinental ballistic missiles,
5 submarine-launched ballistic missiles, and heavy bombers,
6 consistent with the counting rules of the Treaty, unless
7 each of the following conditions are met:

8 (1) Not less than 120 days before the planned
9 date of such deployment, the President submits to
10 the appropriate congressional committees—

11 (A) a description of the type and number
12 of warheads to be added to the deployed force;

13 (B) a description of the type and number
14 of delivery systems on which each warhead de-
15 scribed in subparagraph (A) is deployed;

16 (C) a certification by the Commander of
17 the United States Strategic Command, in co-
18 ordination with the Secretary of Defense and
19 the Secretary of State, that the added warheads
20 are necessary for meeting United States tar-
21 geting requirements and military objectives with
22 respect to nuclear deterrence, extended deter-
23 rence, assurance of allies, and defense;

24 (D) a description of the associated costs,
25 the technical and operational implications, and

1 impact of such deployment on nuclear mod-
2 ernization program costs and timelines;

3 (E) a justification with respect to the stra-
4 tegic and threat environments that necessitate
5 such deployment; and

6 (F) an assessment of the likely political
7 and military responses and countermeasures by
8 the Russia and China to such deployment, in-
9 cluding the strategic and threat implications of
10 such responses and countermeasures.

11 (2) Not less than 120 days before the planned
12 date of such deployment, the Director of National
13 Intelligence submits to the appropriate congressional
14 committees an assessment described in subsection
15 (c).

16 (3) On or after the date on which the matters
17 described in paragraphs (1) and (2) have been sub-
18 mitted to the appropriate congressional committees,
19 Congress has adopted, and there is enacted, a joint
20 resolution stating that Congress approves such de-
21 ployment.

22 (b) DEPLOYED DELIVER SYSTEMS.—In the case of
23 the expiration of the New START Treaty or its termi-
24 nation under Article XIV of the Treaty, none of the funds
25 authorized to be appropriated by this Act or otherwise

1 made available for fiscal year 2021 for the Department
2 of Defense may be obligated or expended to increase above
3 700 the number of intercontinental ballistic missiles, sub-
4 marine-launched ballistic missiles, and heavy bombers that
5 count as deployed under the terms of the Treaty, unless
6 each of the following conditions are met:

7 (1) Not less than 120 days before the planned
8 date of such deployment, the President submits to
9 the appropriate congressional committees—

10 (A) a description of the type and number
11 of delivery systems to be added to the deployed
12 force;

13 (B) a description of the necessary changes
14 to the composition of deployed intercontinental
15 ballistic missiles, submarine-launched ballistic
16 missiles, and heavy bombers with respect to the
17 deployment described in subparagraph (A);

18 (C) a description of the number and types
19 of warheads added to the deployed force for
20 each delivery system described in subparagraph
21 (B);

22 (D) a certification by the Commander of
23 the United States Strategic Command, in co-
24 ordination with the Secretary of Defense, that
25 the added launchers are necessary for meeting

1 United States targeting requirements and ob-
2 jectives with respect to nuclear deterrence, ex-
3 tended deterrence, assurance of allies, and de-
4 fense;

5 (E) a description of the associated costs,
6 the technical and operational implications and
7 impact of such deployment on nuclear mod-
8 ernization program costs and timelines;

9 (F) a justification with respect to the stra-
10 tegic and threat environments that necessitate
11 such deployment; and

12 (G) an assessment of the likely political
13 and military responses and countermeasures by
14 Russia and China to such deployment, including
15 the strategic and threat implications of such re-
16 sponses and countermeasures.

17 (2) Not less than 120 days before the planned
18 date of such deployment, the Director of National
19 Intelligence submits to the appropriate congressional
20 committees the assessment described in subsection
21 (c).

22 (3) On or after the date on which the matters
23 described in paragraphs (1) and (2) have been sub-
24 mitted to the appropriate congressional committees,
25 Congress has adopted, and there is enacted, a joint

1 resolution stating that Congress approves such de-
2 ployment.

3 (c) DIRECTOR OF NATIONAL INTELLIGENCE ASSESS-
4 MENT.—

5 (1) IN GENERAL.—The assessment described in
6 this subsection is an assessment of the size, composi-
7 tion, and posture of the strategic nuclear forces of
8 Russia.

9 (2) ELEMENTS.—An assessment described in
10 this subsection shall include the following:

11 (A) An assessment of the size, composi-
12 tion, and posture of deployed and non-deployed
13 intercontinental ballistic missiles, submarine-
14 launched ballistic missiles, and heavy bombers
15 (as defined in the New START Treaty) of Rus-
16 sia.

17 (B) An assessment of the number of de-
18 ployed warheads on the intercontinental ballistic
19 missiles, submarine-launched ballistic missiles,
20 and heavy bombers of Russia, consistent with
21 the counting rules under the Treaty.

22 (3) FORM.—An assessment described in this
23 subsection shall be submitted in unclassified form,
24 but may include a classified annex.

1 **SEC. 1287. SENSE OF CONGRESS.**

2 It is the sense of Congress that an arms control dia-
3 logue with China, coordinated with United States allies
4 and shaped by a coherent Indo-Pacific strategy, is in the
5 national security interests of the United States.

6 **SEC. 1288. REPORT ON PLAN FOR ARMS CONTROL TALKS**
7 **THAT INCLUDES THE CHINA AND RUSSIA.**

8 Not later than 180 days after the date of the enact-
9 ment of this Act, the Secretary of State, in consultation
10 with the Secretary of Defense, shall submit to the appro-
11 priate congressional committees a report that describes—

12 (1) a concrete plan for arms control talks that
13 includes the China and Russia;

14 (2) if trilateral arms control dialogue does not
15 arise, what alternative plans the Department of
16 State envisages for ensuring United States security
17 from Chinese and Russian nuclear weapons;

18 (3) efforts at engaging China to join arms con-
19 trol talks, whether on a bilateral or multilateral
20 basis;

21 (4) the interest level of the Government of
22 China in joining arms control talks, whether on a bi-
23 lateral or multilateral basis; and

24 (5) the types of delivery systems, including nu-
25 clear and non-nuclear delivery systems, discussed by
26 the Government of the United States or the Govern-

1 ment of China as the potential subjects of an agree-
2 ment in any such discussion.

3 **SEC. 1289. BRIEFING ON DISCUSSIONS WITH THE CHINA**
4 **REGARDING REDUCTION AND LIMITATION OF**
5 **STRATEGIC OFFENSIVE WEAPONS.**

6 Not later than 60 days after the date of the enact-
7 ment of this Act, and every 180 days thereafter, the Sec-
8 retary of State, in consultation with the Secretary of De-
9 fense, shall provide a briefing to the appropriate congres-
10 sional committees that includes the following:

11 (1) A description of any discussion with the
12 Government of China on the New START Treaty or
13 a similar agreement on the reduction and limitation
14 of strategic offensive weapons at the Assistant Sec-
15 retary level, Ambassadorial level, or higher.

16 (2) The date, location, discussion topic, and
17 name of Chinese individuals involved in any such
18 discussion.

19 (3) An identification of the United States Gov-
20 ernment departments and agencies involved in any
21 such discussion.

22 (4) The types of delivery systems, including nu-
23 clear and non-nuclear delivery systems, discussed by
24 the Government of the United States or the Govern-

1 ment of China as the potential subjects of an agree-
2 ment in any such discussion.

3 **SEC. 1290. DEFINITIONS.**

4 In this subtitle:

5 (1) APPROPRIATE CONGRESSIONAL COMMIT-
6 TEES.—The term “appropriate congressional com-
7 mittees” means—

8 (A) the congressional defense committees;

9 (B) the Committee on Foreign Affairs and
10 the Permanent Select Committee on Intelligence
11 of the House of Representatives; and

12 (C) the Committee on Foreign Relations
13 and the Select Committee on Intelligence of the
14 Senate.

15 (2) INTELLIGENCE COMMUNITY.—The term
16 “intelligence community” has the meaning given
17 that term in section 3(4) of the National Security
18 Act of 1947 (50 U.S.C. 3003(4)).

19 (3) NEW START TREATY; TREATY.—The terms
20 “New START Treaty” and “Treaty” mean the
21 Treaty between the United States of America and
22 the Russian Federation on Measures for the Further
23 Reduction and Limitation of Strategic Offensive

- 1 Arms, signed at Prague April 8, 2010, and entered
- 2 into force February 5, 2011.

